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SENATE

{ REPORT
No. 109

GEORGE PANTELAS

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 666]

The Committee on the Judiciary, to which was referred the bill (S. 666) for the relief of George Pantelas, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

Strike sections 2 and 3 of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of George Pantelas and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based.

STATEMENT OF FACTS

The beneficiary of the bill is a 47-year-old native and citizen of Greece who first entered the United States in 1921. In 1929 he was convicted and sentenced to imprisonment in California for issuing checks without sufficient funds. In 1931 he was deported to Greece and he reentered the United States in 1940 with false documents and has resided here since that time. In 1942, he married a United States citizen and they have a 7-year-old child.

The pertinent facts in the case are contained in a letter dated October 24, 1950, to the chairman of the Senate Committee on the

Judiciary from the Deputy Attorney General with reference to S. 2965, which was a bill introduced in the Eighty-first Congress for the relief of the same alien.

DEPARTMENT OF JUSTICE,
Washington, October 24, 1950.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2965) for the relief of George Pantelas.

The bill would direct the Attorney General to discontinue deportation proceedings in the case of George Pantelas and would provide he shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced. It would further provide that the said George Pantelas shall be considered to have been lawfully admitted to the United States for permanent residence as of May 28, 1940, upon payment of the required head tax and visa fee. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that George Pantelas is a native and citizen of Greece, having been born in Gargalianous, Greece, on February 12, 1903. He first entered the United States at the port of New York, in March 1921. On May 3, 1929, he was convicted, under section 476 (a), Penal Code of California, of issuing checks without sufficient funds and was sentenced to an indeterminate term of imprisonment at San Quentin Prison of from 0 to 14 years. On August 9, 1930, he was ordered deported on the charge that he was in the United States in violation of the Immigration Act of February 5, 1917, in that subsequent to May 1, 1917, he had been sentenced more than once to imprisonment for a term of 1 year or more for the commission subsequent to entry of a crime involving moral turpitude and on June 7, 1931, he was deported to Greece.

In 1940, Mr. Pantelas purchased the birth certificate of a friend in Greece on the basis of which he obtained a Greek passport. He then secured a temporary visitor's visa from the American consul at Athens, Greece, under the assumed name and gained reentry into the United States on May 28, 1940, as a visitor, although he intended to remain here permanently, according to his testimony. The alien admits the commission of perjury in connection with the obtainment of the visa. A hearing was accorded him under a warrant issued for his arrest in deportation proceedings, and he was again ordered deported to Greece on October 6, 1947, on the charges that at the time of his last entry into the United States he was an immigrant not in possession of an immigration visa, that he admitted the commission of perjury, forgery, and issuing checks without sufficient funds, and that he had been convicted of issuing checks without sufficient funds, all crimes involving moral turpitude committed prior to entry. The alien's application for exercise of discretionary authority contained in the seventh proviso of section 3 of the Immigration Act of 1917, as amended, was denied at this time. His appeal from the order of deportation was dismissed by the Board of Immigration Appeals on November 6, 1947. Mr. Pantelas secured a complete review of his case by the Federal District Court, Southern District of New York, upon filing a writ of habeas corpus, and, upon an adverse ruling in that court, he appealed to the United States Circuit Court of Appeals for the Second Circuit, which court confirmed the order of the lower court on December 15, 1949. However, Mr. Pantelas' deportation was deferred to permit him to prosecute a claim for workmen's compensation. Several motions to reopen the deportation proceedings have since been denied by the Board of Immigration Appeals.

The alien, in June 1944, stated that he was married and that his wife and children lived in Greece. However, he later stated that he had been married in Greece, but that his wife was dead and, at yet a later date, he stated that he had not been married in Greece. It appears that on July 21, 1942, he married Georgia Kargel, a United States citizen. There is one child, the issue of this marriage.

It is noted that the alien owes \$213 to the collector of internal revenue on Federal employment tax, and that he has failed to file income-tax returns for the years 1941, 1944, and 1946 to 1948, inclusive. He has given the collector three checks which were returned marked "insufficient funds."

Mr. Pantelas was arrested, in 1925, in California, for forging a check, and, in 1928, he was arrested on the charge of burglary, which action was dismissed. The evidence, however, establishes that notwithstanding his conviction, in 1929, for the issuance of checks without sufficient funds, he continued to do so as late as March 1947, although he was not prosecuted therefor.

The quota for Greece, to which Mr. Pantelas is chargeable, is oversubscribed and an immigration visa is not readily obtainable. The alien's past criminal record is evidence of his disregard for the laws and principles of the United States. No facts have been presented which would justify granting him an exemption from the requirements of the general immigration laws.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

The bill as originally introduced not only provided for cancellation of the outstanding deportation proceedings, but also provided that the beneficiary of the bill be granted the status of permanent residence in the United States. It is the information of the committee that the beneficiary of the bill is presently supporting his United States citizen wife and his 7-year-old minor daughter. Despite his previous record, the committee is of the opinion that cancellation of the outstanding deportation proceedings is warranted solely on the ground that his support is necessary for his citizen wife and child, but does not believe that there should be granted to the beneficiary the status of permanent residence in the United States. Accordingly, the bill has been amended so as to relieve him from deportation but does not grant him the status of a permanent resident alien.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 666), as amended, should be enacted.

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